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DEC - 7 2010

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

AT 8:30 \_\_\_\_\_ M  
WILLIAM T. WALSH  
CLERK

MARVIN STOBY,

Plaintiff,

v.

CHOPPER 79 LOGISTICS; et. al.,

Defendants.

Civil No. 10-5552 (GEB)

**OPINION AND ORDER**

Plaintiff Marvin Stoby ("Plaintiff"), having submitted a complaint in the above captioned matter, and it appearing that:

1. The Clerk will not file the complaint and the amended complaint unless the person seeking relief pays the entire applicable filing fee in advance or the person applies for and is granted *in forma pauperis* status pursuant to 28 U.S.C. § 1915. *See* Local Civil R. 5.1(f).

2. The filing fee for commencing a civil action in this court is \$350.00. *See* 28 U.S.C. § 1914(a).

2. Plaintiff did not prepay \$350.00; rather, he submitted his application to proceed in this matter *in forma pauperis*, pursuant to 28 U.S.C. § 1915 ("Application").

3. In making such an application, a plaintiff must state the facts concerning his or her poverty with some degree of particularity, definiteness or certainty. *United States ex rel. Roberts v. Pennsylvania*, 312 F. Supp. 1, 2 (E.D. Pa. 1969) (finding affiant's application legally insufficient where the application failed to state the facts of affiant's poverty with any degree of particularity, definiteness or certainty) (citing *United States v. Coor*, 213 F. Supp. 955, 956

(D.D.C. 1963), *rev'd on other grounds*, 325 F.2d 1014 (D.C. Cir. 1963); *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960)).

4. In his Application, Plaintiff stated that he is currently unemployed; that he receives \$1,200.00 per month in unemployment benefits; that his monthly expenses include a rent or mortgage payment of \$1200.00, utilities of \$200.00, and food of \$320.00. (Doc. No. 1-2.) He also asserts that he has not paid and does not plan to pay any attorney to assist him with respect to this matter.

IT IS THEREFORE on this 7<sup>th</sup> day of December, hereby ORDERED that Plaintiff's application to proceed *in forma pauperis* is GRANTED; and it is further

ORDERED that the Clerk shall file the Complaint; and it is further

ORDERED that the Clerk shall serve this Order upon Plaintiff by regular mail; and it is further

ORDERED that the Clerk issue summons and the United States Marshal serve a copy of the complaint, summons and this order upon the Defendants as directed by the plaintiff. All costs of service shall be advanced by the United States.

  
GARRETT E. BROWN, JR., U.S.D.J.